

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1739 of 2022

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Sandip Kumar, Son of Late Ramcharitra Saw, Resident of Ward No. 09,
Village - Kamasi, Post Office, Kamasi, P.S.- Mehus, District - Sheikpura.

... .. Petitioner/s

Versus

1. Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan,
Daroga Rai Path, R.Block, Road No. 2, Patna, through its Managing
Director.
2. The Managing Director, Bihar State Food and Civil Supply Corporation
Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
3. The Chief Administrator, Headquarter, Bihar State Food and Civil Supply
Corporation Limited, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation
Limited, Lakhisarai.
5. The District Manager, Bihar State Food and Civil Supply Corporation
Limited, Sheikpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
Ms. Shilpi Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 19-11-2025

1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The instant application has been filed by the
petitioner praying for a direction to the respondent-Bihar State



Food and Civil Supplies Corporation Limited (herein after referred to as 'the Corporation') to consider the case of the petitioner for compassionate appointment.

3. The case of the petitioner in brief is that his father who was working as a Class-IV category employee in the Corporation died in harness on 10.10.2011.

4. By order dated 10.2.2012, the petitioner was engaged on contract basis as a helper and posted in the base godown at Sheikhpura. Subsequently on being removed, the petitioner filed an application for appointment on compassionate ground in the place of his father. Along with his application, he submitted all the required documents vide letter dated 19.12.2016. The petitioner's mother as also all the other siblings filed their respective affidavits in support of the petitioner's application.

5. It is submitted by learned counsel for the petitioner that the petitioner's mother in the meantime filed CWJC no.5863 of 2014 for payment of the post retiral dues on account of her husband's death. During pendency of the said writ application, she was paid the dues under the head of leave encashment, gratuity and group insurance. However, the amount under the head of contributory provident fund and pension



remained to be paid as on the date of filing of the writ application. The mother of the petitioner passed away on 20.6.2019.

6. The application for compassionate appointment of the petitioner was forwarded by the District Manager of the Corporation, Lakhisarai to the Corporation's headquarters at Patna. The petitioner continued to pursue the matter before the Corporation, however no action having been taken by the respondent authorities, he filed the instant application for the relief as stated herein above.

7. The application is opposed by learned counsel appearing for the respondent-Corporation. It is submitted that the father of the petitioner, who was working as a Class-IV employee in the Office of the Corporation at Sheikhpura, died on 10.10.2011. As a result of a bar on compassionate appointment which was in force pursuant to the directions contained in letter no.2453 dated 26.6.1996, no person was being appointed on compassionate ground. The said bar was removed in the year 2013.

8. Learned counsel for the respondents further submits that with the appointment on compassionate ground having been initiated with effect from 31.7.2014, the respondents issued a



notice on 2.10.2016 inviting applications for appointment of the dependents of the deceased employees. The petitioner failed to submit any application in the prescribed format. After due consideration, out of a total of 116 applications filed, 26 applicants were appointed on 9.2.2017. The petitioner did not figure in the said list, not having filed the application in the prescribed format.

9. Heard learned counsel for the parties and perused the material on record.

10. The relevant facts in brief are that the father of the petitioner who was working in the Class-IV category in the Corporation died in harness on 10.10.2011. Even as per the case of the petitioner, his application for compassionate appointment came to be filed in the year 2016.

11. At this stage, it would be relevant to take note of the judgments of the Hon'ble Supreme Court with respect to compassionate appointment.

12. It has been held in the case of ***Indian Bank & Ors. vs. Promila & Anr.; (2020) 2 SCC 729***, that compassionate appointment is not an alternative to the normal course of appointment and that there is no inherent right to seek compassionate appointment. The objective is only to provide



solace and succour to the family in difficult times and thus the relevancy is at that stage of time when the employee passes away.

13. In the case of ***Canara Bank vs. Ajithkumar G.K.***; ***AIR 2025 SC 1232***, the Hon'ble Supreme Court held that lapse of time could be a major factor for denying compassionate appointment where the claim is lodged belatedly. A presumption is legitimately drawn in cases of claims lodged belatedly that the family of the deceased employee was not in need of immediate financial assistance. What would be a reasonable time would largely depend on the policy/scheme for compassionate appointment under consideration. So far as the facts of the instant case is concerned, the first application by the petitioner has been made after more than 5 years of the death of the deceased employee.

14. The purpose and objective of compassionate appointment has been dealt with by the Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana & Ors.***; ***(1994) 4 SCC 138***, wherein it has been held as follows:

“2.....As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the



Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in



non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.”

15. Coming to the facts of the instant case, besides the petitioner not having filed the application in the prescribed format, the very application having been filed more than 5 years after the death of his father, the deceased employee, in the opinion of the Court, in view of the law laid down by the



Hon’ble Supreme Court as referred to herein above, the petitioner has not made out a case for grant of any relief in the instant application.

16. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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